

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) CRIMINAL NO. 03-10385-RGS
)
 KIRK RINALDI)

GOVERNMENT'S MOTION TO EXCLUDE TIME

The government hereby moves, pursuant to 18 U.S.C. §3161(h)(1), that this Court enter an order excluding the following periods of time from the time within which this case must otherwise be tried.

8/13/04 to 9/7/04 On 7/8/04, a status conference was held before Magistrate Judge Cohen and an excludable time order issued excluding the time from that conference until the next scheduled conference on 8/12/04. [D. 16]. However, the 8/12/04 conference was continued on the defendant's motion [D. 17], until 9/8/04 without an accompanying excludable time order. Although the defendant's motion was not properly scanned into PACER, the government believes that the defendant assented therein to the exclusion of time.

4/5/05 to 4/20/05 On 3/4/05, a status conference was held before this Court and an excludable time order issued excluding the time from that conference until the next scheduled conference on 4/4/05. [D. 3/4/05]. However, the conference was continued and not held until 4/21/05 without an accompanying excludable time order. The defendant's motion to suppress was not filed until 9/15/05. Thus, this period is excludable as time during which the defendant was considering and preparing a motion to suppress.

2/28/06 to 6/19/06

On 1/20/06, this Court denied defendant's suppression motion, set trial for 2/2/7/06, and entered an excludable time order from 1/19/06 to 2/27/06. The trial date was reset by this Court on defendant's motion [D. 44] to 6/19/06 without an accompanying excludable time order.

6/21/06 to 3/06/07

On 6/21/06 defendant moved for preparation of a pre-plea PSR [D. 47]. The motion was allowed on 7/7/06. The draft PSR was issued 1/2/07 and defendant's objections have not yet been provided to Probation. This time is excludable as delay resulting from a proceeding concerning the defendant, and was at the defendant's request in any event.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Lisa M. Asiaf
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March 6, 2007

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing upon counsel of record, Karnig Boyajian, Esq., by electronic filing notice.

/s/ Lisa M. Asiaf
LISA M. ASIAF
Assistant U.S. Attorney